

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JOHN PLAINTIFF, an individual,

Plaintiff,

Case No. 2:20-cv-11718
Hon. Gershwin A. Drain
Mag. Judge David R. Grand

v.

WAYNE STATE UNIVERSITY, WAYNE
STATE UNIVERSITY SCHOOL OF
MEDICINE, NIKOLINA CAMAJ, MARGIT
CHADWELL, MATT JACKSON, RICHARD
S. BAKER, and R. DARIN ELLIS,
in their individual and official capacities,
jointly and severally,

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY
BRIEF TO PLAINTIFF'S MOTION FOR PROTECTIVE ORDER TO
PERMIT PLAINTIFF TO PROCEED ANONYMOUSLY UNDER SEAL**

Plaintiff moves this Court, pursuant to E.D. Mich. LR 5.3(b)(3)(A), for leave to file his Reply brief in support of Plaintiff's Motion for Protective Order (ECF No. 8) under seal, and in support thereof states as follows:

1. On September 28, 2020, Plaintiff filed his Motion for Protective Order seeking the Court's permission to proceed anonymously in this litigation through the use of a narrowly tailored protective order. (ECF No. 8).

2. On October 21, 2020, Defendants filed their Response to Plaintiff's Motion for Protective Order under seal (ECF No. 17), after seeking leave from this Court to do so. (ECF No. 16).

3. Plaintiff agreed with Defendants' requested relief in seeking to file their Response brief under seal for the purposes of deciding the present Motion.

4. Now, Plaintiff seeks to file his Reply brief under seal for the limited purpose of deciding Plaintiff's Motion. E.D. Mich. LR 5.3(b)(3)(A)(i).

5. Like Defendants' Motion to Seal (ECF No. 16), Plaintiff's request to seal his Reply brief is also meant to preserve the integrity of the Court's decision with respect to Plaintiff's Motion for Protective Order. There are no third-party privacy interests at stake within the Reply brief. E.D. Mich. LR 5.3(b)(3)(A)(ii).

6. Plaintiff only seeks to file his Reply brief under seal to address and rebut an argument advanced by Defendants under seal with respect to Plaintiff's

status as a “public official.” In so doing, Plaintiff cannot disclose those details without making his identity known.

7. While Plaintiff’s Reply brief has not been designated as confidential under a protective order, Plaintiff’s present request to seal his Reply makes sense given the nature of Plaintiff’s Motion for Protective Order, which explains the various bases for why Plaintiff should be permitted to proceed anonymously in this litigation. E.D. Mich. LR 5.3(b)(3)(A)(iii)-(iv).

8. Additionally, other courts and local rules permit filing documents like this under seal. *See e.g. Doe v. Pittsylvania Cty., Va.*, 844 F. Supp. 2d 724 (W.D. Va. 2012).

9. The other underlying facts and circumstances produced in connection with this case are unaffected and shall remain public record, save for Plaintiff’s name and identity, and, consequently, Plaintiff’s request is narrowly tailored.

10. Defendants do not oppose this request for relief, as demonstrated by communications between counsel for the Parties made in accordance with E.D. Mich. LR 7.1.

11. A redacted version of the Reply brief is filed as an exhibit to this motion. E.D. Mich. LR 5.3(b)(3)(A)(v). (**Exhibit 1**, *Plaintiff’s Redacted Reply Brief*).

12. An unredacted version of the Reply brief is being filed under seal for the limited purpose of resolving this motion to file under seal. E.D. Mich. LR 5.3(b)(3)(A)(vi). However, if Plaintiff's Motion for Protective Order is granted, then Plaintiff requests that the unredacted briefing remains sealed in accordance with Plaintiff's requested protective order.

13. Like Defendants' unredacted Response brief (ECF No. 17), Plaintiff's unredacted Reply brief contains highlighting indicating the very minimal portions of the Reply brief that are the subject of this motion.

Accordingly, for the reasons set forth herein, Plaintiff respectfully requests that this Court grant his Motion for Leave to Seal, thereby allowing Plaintiff to file his Reply brief in support of his Motion for Protective Order under seal.

Dated: October 28, 2020

Respectfully submitted by:

ROSSMAN, P.C.

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CERTIFICATE OF SERVICE

I certify that, on October 28, 2020, I caused the foregoing motion to be filed using the Court's electronic filing system, thereby giving notice to all counsel of record and all other ECF participants.

/s/ Jacob M. Campbell
Jacob M. Campbell